

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DAVID WALLACE and YOLANDA WALLACE

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:05CV774WA

**ALLSTATE INDEMNITY COMPANY, JOHNNY
MIMS INSURANCE AGENCY, WILBUR
JORDAN and RICK GILLEY**

DEFENDANTS

ORDER

This matter came before the court on the Defendant's Motion to Compel Discovery Responses, by which Defendant Allstate seeks responses to discovery requests served on November 1, 2006, to which the Plaintiffs have wholly failed to respond. The Plaintiffs have likewise failed to respond to this Motion; therefore, it will be granted. The Defendant has asked for an award of costs and expenses. The court is reluctant to make such an award absent a showing of repeated or continuing discovery violations. Thus, while no award of attorneys fees will be made at this time, the Defendant may seek such an award at a later date, if discovery is not forthcoming.

Also before the court is the Plaintiffs' Unopposed Motion for Additional Time to File Expert Witness Designations, by which they seek an additional fifteen days within which to designate experts. The Plaintiffs have represented to the court that the Motion is unopposed by the Defendants; therefore, it will also be granted.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Compel Discovery Responses and the Plaintiffs' Unopposed Motion for Additional Time to File Expert Witness Designations are hereby **granted**. The Plaintiffs shall serve the responses at issue, as well as their expert designations, on or before March 8, 2007.

IT IS SO ORDERED, this the 21st day of February, 2007.

S/Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE